IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.796 OF 1994

Ambadas Umasa Chavan .. Petitioner

Versus

The State of Maharashtra .. Respondent

Mr.S.D.Patil with Vipin Thokar for petitioner

Ms.M.H.Mhatre, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 31st August 2006.

P.C.

. On this petition Rule was issued by this Court on 16th August 1994 and interim reliefs in terms of prayer clause (c) was granted. The same reads thus:-

> "(c) That pending the hearing and final disposal of this petition, the petitioner be allowed to continue to conduct the chit fund business, which has already been started in pursuance of permission dated 27th April 1994 under the provisions of Chit Fund Act, sometime in the middle of May, 1994."

2. It appears that this petition was placed on 22nd June 2000 and was dismissed in default. Thereafter, it was restored and once again dismissed in default. It appears that finally it was restored on 12th January 2006.

3. The petitioner had complained to this Court that he was not being allowed to run the chit fund scheme in the name of M/s.Brahmanand Swami Chit Fund Yojana. It is his grievance that he closed the scheme on 24th January 2004. He

had received subscriptions from about 2500 persons from the City of Solapur. He had followed the procedure and all rules and regulations prescribed by the authorities in charge of the scheme. The certificate of commencement was also issued on 24th June 1994. The lots were to be drawn on 30th June 1994. It is at that stage that the premises were raided and the applicant/petitioner apprehended that the petitioner would be prevented from running the scheme and offence under the relevant provisions of the Chit Fund Act could be registered against him. The petition proceeds on the basis that there is no F.I.R. registered. The relevant provisions carve out an offence which is not applicable in this case and, therefore, a direction was sought that if any offence is registered, the same be quashed.

4. By virtue of the interim order passed in this petition, the petitioner has continued to

conduct chit fund business. Learned Counsel appearing for applicant states that the scheme has been worked out and in fact due compliance has been made with the rules and regulations in that behalf. There is no affidavit or any material to indicate that any offence has been registered, pursuant to seizure panchanama dated 25th June 1994. In any event, once this Court has allowed the petitioner to continue to conduct the chit fund business and that order has been in force till date, the petition may be disposed of in terms of the interim order passed by this Court. Needless to state that the said order would operate only till such time as the scheme was in force and the petitioner was conducting the said chit fund business.

5. Accordingly, the petition is made absolute in terms of prayer clause (c). The C.R. No.1274 of 1994 registered with Jail Road Police Station, Solapur is accordingly quashed under

section 482 of Cr.P.C. No order as to costs.

(S.C.Dharmadhikari, J)